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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,998	06/22/2006	Yoshinobu Fukuda	ED-US030965	3377

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EXAMINER
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LORENCE, RICHARD M

ART UNIT	PAPER NUMBER
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3655

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02/23/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/583,998	<b>Applicant(s)</b> FUKUDA ET AL.	
	<b>Examiner</b> Richard M. Lorence	<b>Art Unit</b> 3655	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 1-19 and 21-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This action is in response to the amendment filed on November, 24, 2009. The specification and claims 1, 2, 9-15, 17-20, 34 and 35 have been amended, and new claim 36 has been added. Claims 1-36 remain pending.

### ***Election/Restrictions***

Claims 1-19 and 21-36 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on August 29, 2008.

Applicant's arguments appearing on pages 16-17 of the response filed on November, 24, 2009 regarding the readability of amended claim 1 on the elected species of Figure 1 have been considered but are not persuasive.

Applicant points to the description under subheading "3. Friction Material" on page 45 of the originally filed translation as disclosing that the flywheel, pressure plate and second friction plate of the clutch can be made of a material having steel as the main ingredient. The examiner does not dispute that the original disclosure provides support for this alternative embodiment. The issue here is that claim 1 as amended no longer reads on the elected embodiment of Figs. 1-5. In the elected embodiment, as described in lines 9-21 of the originally filed translation, the friction plates, flywheel and pressure plate are each made of carbon composite material. This is the embodiment applicant elected without traverse in the reply filed on August 29, 2008.

Applicant's remarks on page 21, lines 13-19 of the response filed on June 12, 2009, and on page 22, lines 6-12 of the response filed on November, 24, 2009, applicant asserts that the use of iron as the main ingredient for the input rotor (flywheel) and pressure plate "leads to unexpected results". The assertion appears to support the examiner's position that the alternative embodiment now recited in claim 1 is patentably distinct from the elected embodiment of Figs. 1-5, which originally presented claim 1 was directed to.

Accordingly, claim 1 and claims 2-19 and 36 dependent therefrom are withdrawn from consideration as being directed to a non-elected species.

Applicant's arguments appearing on pages 17-18 of the response filed on November, 24, 2009 regarding the readability of amended claim 20 on the elected species of Figure 1 have been considered and are persuasive. It is agreed that amended claim 20 can read on the elected embodiment of Figs. 1-5.

Accordingly, an action on the merits of amended claim 20 follows.

Claims 21-35 were previously withdrawn from consideration and remain so.

### ***Drawings***

The replacement drawing sheets were received on November 24, 2009. The drawings are acceptable.

### ***Specification***

The substitute specification has been approved for entry.

The disclosure is objected to because of the following informalities: in line 8 on page 31 of the substitute specification "body portion 45c" should read -- body portion 45a--. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by US 5,904,234 A (Kosumi et al.).**

Kosumi et al. discloses a clutch disk assembly (1) which, as seen in Fig. 1, includes a friction plate (8) made of carbon (see column 8, lines 6-9) and configured to be pressed against a flywheel (2); a disk-like input portion (12) having an outer peripheral portion coupled to an inner peripheral portion (27) of the friction plate; an output portion (11) coupled to the input shaft of the transmission (see column 7, lines 39-42); and a plurality of fixing units (18a) coupling the outer peripheral portion of the disk-like input portion to the inner peripheral portion of the friction plate, the fixing units supporting the friction plate, the friction plate being movable in an axial direction relative to the disk-like input portion and movable relative to the fixing units (see column 8, lines 15-18).

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard M. Lorence whose telephone number is 571-272-7094. The examiner can normally be reached on Mondays through Fridays from 10:30AM to 7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David D. Le can be reached on 571-272-7092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3655

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard M. Lorence/  
Primary Examiner, Art Unit 3655